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10/687,561	10/16/2003	Angelique M. Brignac	A02204US (98238.7)	7152

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EXAMINER

SWINEHART, EDWIN L

ART UNIT PAPER NUMBER

3617

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/687,561

Applicant(s)

BRIGNAC ET AL.

Examiner

Ed Swinehart

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by the 52-foot SRC configuration publication.

The 52-foot SRC configuration publication shows rescue wells positioned as claimed, as well as an inherently removable deck grating positioned thereover.

3. Claims 24,38-41,45,57,58 are rejected under 35 U.S.C. 102(b) as being anticipated by Mills.

Mills shows the claimed invention, including a pilot house **21**, port, starboard, bow and stern decks, as well as a curved transom extending from the port and starboard sides. A fantail and multiple buoyancy chambers are positioned as claimed, as well as a plurality of propulsion units.

Re claim 40, the propellers are shielded by the buoyancy chambers, and are therefore not exposed.

Re claim 58, peripheral rails are shown.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3,4,12,13,53 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over the 52-foot SRC configuration publication.

The 52-foot SRC configuration publication fails to disclose multiple seating positions as claimed.

Re claim 3, the number and arrangement of seats, and the types of seats employed within the pilot house is considered to have been an obvious design consideration. Re claims 53, provision of cushions on the seats is not considered invention. Likewise the positions such seats are placed is considered to have been an obvious design consideration to the ordinary routineer working in the art at the time of the invention, and providing no unexpected results

Re claims 12 and 13, provision of a trailer to haul a watercraft is considered and obvious design expedient, well within anyone's skill. The size of a watercraft is purely choice of design.

6. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the 52-foot SRC configuration publication in view of Bradford.

The 52-foot SRC configuration publication fails to disclose a litter, although provision of same in a ships infirmary is considered to have been notoriously old and well known in the art.

Bradford discloses a break-down litter.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a litter to the ship of the 52-foot SRC configuration publication as that taught by Bradford.

Such a combination would have been desirable at the time the invention was made so as to provide crew safety.

A break-down litter can be fitted within the hull anywhere in the hull as desired.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over the 52-foot SRC configuration publication in view of Leming et al.

The 52-foot SRC configuration publication fails to disclose a loading zone at the stern.

Leming et al. Teaches same.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a loading zone to the 52-foot SRC configuration publication as taught by Leming et al.

Such a combination would have been desirable at the time the invention was made so as to provide for ease in loading/unloading.

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over the 52-foot SRC configuration publication in view of Goldman.

The 52-foot SRC configuration publication fails to disclose a foam bumper as claimed.

Goldman discloses same.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the 52-foot SRC configuration publication with a foam bumper as taught by Goldman.

Such a combination would have been desirable at the time the invention was made so as to provide for safety.

The amount of buoyancy provided is considered to have been an obvious design consideration.

9. Claims 15,49 and 54 rejected under 35 U.S.C. 103(a) as being unpatentable over the 52-foot SRC configuration publication in view of Sinclair, Jr.

T the 52-foot SRC configuration publication appears to show a constant deadrise, however, such has not been positively shown or discussed.

Sinclair, Jr. teaches superior sea keeping in heavy seas by provision of a constant deadrise hull.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a constant deadrise to the hull of the 52-foot SRC configuration publication as taught by Sinclair, Jr.

Such a combination would have been desirable at the time the invention was made so as to provide for improved performance in heavy seas.

Re claim 54, the number of engine hatches provided is considered to have been an obvious choice of design.

10. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over the 52-foot SRC configuration publication in view of Fink, Jr.

The 52-foot SRC configuration publication fails to disclose spray rails as are old and well known in the art as evidenced by Fink Jr.

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It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the 52-foot SRC configuration publication with spray rails as taught by Fink, Jr.

Such a combination would have been desirable at the time the invention was made so as to provide for passenger comfort.

11. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over the 52-foot SRC configuration publication in view of Braddon et al.

The 52-foot SRC configuration publication fails to disclose yaw stabilizers as are old and well known in the art as evidenced by Braddon.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the 52-foot SRC configuration publication with stabilizers as taught by Braddon.

Such a combination would have been desirable at the time the invention was made so as to provide passenger comfort.

12. Claims 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the 52-foot SRC configuration publication in view of Nanami.

The 52-foot SRC configuration publication Mc Vay et al. fails to disclose a fantail.

Nanami teaches a propulsion unit arrangement as claimed.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a stern arrangement to the 52-foot SRC configuration publication as taught by Nanami.

Such a combination would have been desirable at the time the invention was made so as to provide protection of the propulsion units and increased buoyancy.

13. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over the 52-foot SRC configuration publication in view of Nanami as applied to claim 22 above, and further in view of Jagers.

The 52-foot SRC configuration publication fails to teach a hoist for the propulsion unit as claimed.

Jagers teaches same.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the 52-foot SRC configuration publication as modified with a hoist as taught by Jagers.

Such a combination would have been desirable at the time the invention was made so as to provide for ease in maintenance.

14. Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over the 52-foot SRC configuration publication in view of Cavanaugh et al.

The 52-foot SRC configuration publication fails to disclose a fire fighting system.

Cavanaugh et al. teaches same.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the 52-foot SRC configuration publication with a fire fighting system as taught by Cavanaugh et al.

Such a combination would have been desirable at the time of the invention so as to provide the further utility of the ship.



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15. Claims 26,28,29,31-34,59 and 61-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mills.

The number of seats provided are considered to have been an obvious design consideration to the ordinary routineer working in the art at the time of the invention, and providing no unexpected results. Such is true for provision of cushions on the seats as well.

Re claim 28, such a line of sight is inherent.

Re claim 29, Mills provides an unobstructed stern area inherently capable of the stated function.

Provision of multiple decks is inherently a function of ship size, and such is considered to have been an obvious design consideration to the ordinary routineer working in the art at the time of the invention, and providing no unexpected results.

Re claims 35 and 36, provision of a trailer to haul a watercraft is considered and obvious design expedient, well within anyone's skill. The size of a watercraft is purely choice of design.

16. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mills in view of Bradford.

Bradford is applied as above.

17. Claims 37,42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mills in view of Goldman.

Goldman is applied as above.

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18. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mills in view of Jagers.

Jagers is applied as above.

19. Claims 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over the 52-foot SRC configuration publication in view of Goldman as applied to claim 14 above, and further in view of Burke.

The 52-foot SRC configuration publication fails to disclose flush mount cleats.

Burke teaches same.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide flush mount cleats to the 52-foot SRC configuration publication as taught by Burke.

Such a combination would have been desirable at the time the invention was made so as to provide safety of crew walking on deck.

20. Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mills as applied to claim 24 above, and further in view of Braddon et al.

Braddon is applied as above.

21. Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over the 52-foot SRC configuration publication in view of Miller.

The 52-foot SRC configuration publication fails to disclose a towing post.

Miller teaches same.

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It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a towing post to the 52-foot SRC configuration publication as taught by Miller.

Such a combination would have been desirable at the time the invention was made so as to provide for the ability to render assistance to a distressed craft.

22. Claim 60 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mills in view of Miller.

Miller is applied as above.

23. Claims 65 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mills in view of Goldman as applied to claim 37 above, and further in view of Burke.

Burke is applied as above.

24. Claim 64 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mills in view of Cavanaugh et al.

Cavanaugh et al. is applied as above.

25. Claims 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mills in view of the 52-foot SRC configuration publication.

Mills fails to show rescue wells.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide wells to the ship of Mills as taught by the 52-foot SRC configuration publication.

Such a combination would have been desirable at the time of the invention so as to provide for usage in the saving of life's.

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26. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over the 52-foot SRC configuration publication in view of Slikkers et al.

The 52-foot SRC configuration publication fails to show a fantail.

Slikkers teaches same.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the 52-foot SRC configuration publication with a fantail as taught by Slikkers.

Such a combination would have been desirable at the time of the invention so as to provide for the ability to carry an auxiliary craft.

27. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

28. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

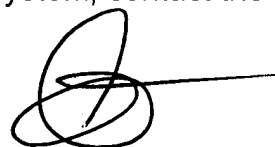
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ed Swinehart whose telephone number is 571-272-6688. The examiner can normally be reached on Monday through Thursday 6:30 am to 2:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'Ed Swinehart', with a stylized, cursive script.

Ed Swinehart  
Primary Examiner  
Art Unit 3617